

HURRICANE CITY COUNCIL MEETING MINUTES

April 02, 2015

5:00 P.M.

Present: Mayor John Bramall and council members: Kevin Tervort, Ethelyn Humphries, Darin Thomas and Darin Larson. Also present: Clark Fawcett, Lynn Excell, Toni Foran, Kaden DeMille, Merlin Spendlove, Mike Vercimak, Arthur LeBaron and Dave Imlay. Absent: Pam Humphries

AGENDA

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Employee of the Month Award: Police Chief Lynn Excell presented to Sergeant Brandon Buell the employee of the month award for March 2015. Chief explained that the department has a great group of officers that work very well together. Sergeant Buell has been a critical part of this group playing a role in many aspects of the department consistently moving the department forward in technology, public information and community relations. Sergeant Buell has played a major role in keeping officer field technology up to date improving efficiency and processing information. Sergeant Buell has many assignments in the department and is always willing to step up and accept assignments when asked to do so.

-Toni-There is a custom hand painted tile company from California that would like to locate to the old Brentwood bowl building. They originally purchased the old Chums building but felt like the Brentwood bowl building would be a better fit. They do custom work but they would like sale overruns if possible to people needing small items. So a small retail store will be on site. The current zoning at that location is highway commercial and they will be manufacturing tile. They would end up clearing the property including the water park structure and re-landscaping everything. Toni asked the council if they would be in favor of making the business fit in that area. The council agreed that they would be in favor of helping to make the business fit in that area.

Chief Excell-The Police department served 12 search warrants in connection with the kidnapping and robbery cases. Even though they had suspects in custody, the work doesn't end there. With the pharmacy robbery they went back and interviewed all the employees again making these cases very time consuming.

There have been a number of sex offenses with younger kids. They continue to arrest them but they still continue to happen. On Wednesday, the LaVerkin PD called in to Hurricane's department and explained they had a LaVerkin city employee allegedly drive recklessly with injuries sustained and asked the Hurricane Police department to help with the situation since it is connected with the city. The accident took place in LaVerkin. Lynn explained that Officer Adams will be assisting with the traffic accident. When he has finished he will pass the information along to LaVerkin to deal with

after that. Lynn informed them that the Hurricane department will not do an internal investigation on another agency.

They are still battling the shooting sports park area problem with people up on the ridge hiking and walking around. Lynn asked who owns the property because he is being asked to fence the property. Follow up is needed on who owns the property. Arthur could look into it and help figure out the property lines and owners of property.

The city K-9 was down at high school walking the parking lot. Paige hit on a car and found a flake of marijuana in the car. She is being called out 2-3 times a week at least. Tuesday they had a special traffic enforcement day. Originally they were looking at window tinting and right hand turns and on Sand Hollow road with the Water department construction zone. At one point they had 6 vehicles pulled over on Sand Hollow road.

The Police department body cameras have shipped and they will be fully reimbursed. Citizens' academy will be starting next week. Lynn invited the council to attend the academy. Councilmember Tervort asked about SR-9 turning at the intersection at his house at the 2600 W intersection. The middle turning lane is being used as an acceleration lane.

-Merlin-The Fire department has been busy visiting several businesses that have spray booths helping them come into compliance. Currently they do not have a permit through the state to paint. They will be turning over to the EPA a complaint of oil being poured into the ground at Rare Form Automotive.

They recently acquired a hummer that they will be fixing up to help save on the ambulances going over rough terrain.

The U-Haul building on North State Street was given a 14 day notice to get everything cleaned up including the tires around the building. The tires have been moved but there are a lot of other things that still need to be done to allow access into the property. They gave him until the 8th of April to comply.

-Mike-Pre-construction meetings are underway for both the airport and city slurry seal projects. The city project will start on Wednesday and the airport will start on Monday.

The Water department crew is out on Sand Hollow road installing the water line from Marla to Diamond Ranch Academy. The Police department has done a good job of slowing the traffic down keeping everyone safe.

The contractor for the Dixie Springs Park has moved their equipment in; they will be underway soon.

Curb and gutter on 600 N project is currently being poured. All underground work is now done. It is a general consensus that 600 N is on schedule for completion prior to Memorial Day. Ethelyn asked if they have been receiving complaints of the road and walkway path being torn up at the Liahona Academy construction site. Mike explained that hopefully within a week any issues should be taken

care of, the company was supposed to have cones along the roadway creating a path for the kids while they finished the construction.

-Dave-They have access to a shared pole testing equipment that they have been using and have tested approximately 900 poles. Of the poles tested, 4 poles were bad and were immediately replaced. The poles are tested for rot at ground level.

Dave and Clark met with Washington City officials; they are losing their power department workers and need a little help with emergency situations. The power department here in Hurricane is very fortunate for the good working conditions here.

The UAMPS member conference will be coming up, please let Vicky know if you are planning on attending. The conference runs from Sunday August 23rd through Wednesday August 26th at Grand Teton National Park. Dave reported his youngest son was accepted at Norte Dame.

-Arthur-During the last council meeting citizens along 400 S were told that we would look at placing in the budget for 2015-2016 the path along 400 S. Arthur was given a list of possible funding options from their spokeswoman (Harmony Vanderhorst) to look into. The options that were presented have already been considered by the city. Arthur placed a cost estimate in Dropbox as well as emailed the estimate to the council. The value of the city match would be around \$45,000-\$46,000. The work could either be hired out or self-performed with our crews. Harmony Vanderhorst was interested in working on a grant but Arthur explained he was leery to do so without the approval of the council. However, if the council is interested then the due date for the grant is the first of May. Clark explained that this needs to be prioritized by the council, it probably shouldn't be taken out of any contingency. The project can be budgeted for and if it is approved during the budget process then they could use those approved funds, if they don't get the grant then the approved project funds could be used on another project. Councilmember Tervort asked if this project would require an environmental assessment. Arthur explained that it would require a low level assessment costing \$10,000-\$15,000. Even with the assessment Arthur felt like pursuing the grant would still be the best option. The council was in favor of Arthur pursuing the grant.

They are continuing to work on the consultant selection process for the Purgatory road project. Arthur recommended setting up a meeting soon with the Washington city mayor and manager.

-Clark-The budget committee will be meeting all day on April 9th with department supervisors to go over the proposed budgets. Before the end of April he would like to set up a date with the council to review budget proposals.

6:03 p.m. – Call to order, Mayor Bramall welcomed those in attendance to the meeting. Prior to this meeting Sergeant Brandon Buell was recognized as employee of the month for March 2015.

Sean Reddish led Pledge of Allegiance and Greg Aldred offered the prayer.

The new Hurricane City Royalty was introduced to the council and those in attendance.

Mayor Bramall called up from the audience Tacy Wright. Tacy was congratulated for her efforts in working with the royalty, for the amount of time and effort that has gone into the event year after year. Tacy was presented a thank you card from the council.

Approval of minutes: 2/05/15-Councilmember Ethelyn Humphries motioned to approve the minutes of the February 5, 2015 city council meeting. Councilmember Tervort seconded the motion. The motion passed unanimously.

6:15 p.m. – Public Forum – Comments From Public

Sean Reddish-The second annual WORCS racing event is quickly approaching again. They continue to have strong numbers for the event with increasing participation. Last year they had medical support during the race and Sean is approaching the council to ask for support again.

Sean explained that most of the participants for the event travel here from the south so they never really get a chance to see Hurricane and what it has to offer. They would like to try and change that by putting up more directional signs for Hurricane as well as include information about the city in the racing packets. Sean has already talked with and will be working with the Police department that weekend to help with bicyclists riding around the lake. They would like to request pedestrian barricades as well for the event to separate bicyclists and racers so there are no injuries.

The council was in support of the event but informed Sean that he will want to coordinate paramedic services through the Fire District now since they handle the Fire department. Sean explained that this event will be nationally televised with a television crew coming out specifically for this event. Sean felt like this town is in a perfect position for tourism and the city's resources aren't being fully taken advantage of. Sean felt like the city website needs to be upgraded with more pictures/visuals of the area on the website as well as money dedicated specifically to bringing in events and tourism to the city.

The subject was brought up about the directional signs on Sand Hollow road directing people into town. Clark explained that we would need to change the sign ordinance. There ought to be a sign out there that has information for travelers and having one sign that provides that detail would be better than the roadway being covered with various signs. Mayor Bramall asked that the planning commission review the off premise sign ordinance and come up with some recommendations.

OLD BUSINESS

1. *Consideration and possible approval of request for grading permit plan exception at 2140 W State Street-Karl Rasmussen/First National bank of Layton*

Karl Rasmussen introduced Wayne and Noah Bennett to the council. Noah was the former president and director of the 1st National Bank of Layton. The grading plan Karl presented to the group shows cut and fill for the proposed property with approximately 5,500 yards cut and 5,200 yards of fill.

Retention areas are proposed on the NW corner and NE corner with a berm on top that would divert water to the detention areas.

There were previous concerns about drainage, weeds, and dust during the last meeting when Karl appeared before the council. Normally after grading, the property can be ripped which allows moisture to go into the ground. This along with the proposed retention areas and berm should solve the drainage issues and part of the dust issue. For the weeds it was recommended that either a 5 or 10 year ground sterilizer product be applied to the entire disturbed area. Applying water to the disturbed area to form a crust layer would keep the dust down.

Mayor Bramall asked if they would be blasting. Karl explained they have a couple different methods proposed in lieu of blasting including a tooth on an excavator, a hammer hoe and a ball which is dropped to break up the earth.

Kevin asked how much they would have to take out. Karl explained that at the highest part 7.7 feet and the lowest part 5 feet and fills of equal amounts. Darren Larson felt like this is an exception and whether it happens now or later these grading issues will have to be dealt with. Darren Larson asked if there was a solution in case landscaping on the property does not get done. Karl explained that a restoration bond would take care of incomplete work.

Karl explained that the owners of this property would like to enhance the property before they sell the property. Unfortunately, an exception needs to be made for a grading permit since they are not interested in spending money on a site plan when they will be selling the property. This bank has owned this property twice now and by enhancing the property they feel like it would sell easier.

Darren Thomas expressed concern that this project has the potential to look like Colina Tinta. Ethelyn expressed concern that Karl was given direction during the last meeting to find a solution for the dust, drainage and weeds and if the council didn't want to have this project move forward at all then why did they ask Karl to go back and work up a solution to the discussed concerns.

Darren Larson felt like it isn't just the bank that is causing problems for properties like this. It is the system that they have to deal with, the courts, etc. that takes so long for these properties to go through and be sold. From the bank's perception they are attempting to make the property more salable by enhancing it.

Darin Thomas motioned to approve the exception request with the conditions that were set forth for mitigating the tumbleweeds, drainage and dust as well as a requirement of a restoration bond for unperformed work. Darin Larson seconded the motion. The motion passed unanimously.

NEW BUSINESS

2. *Presentation and update from Hurricane Valley Chamber of Commerce-Lon Allen*

Greg explained that in the past the Chamber has been in to request funds from the city and those funds were contingent upon the Chamber demonstrating what they use those funds for. Greg updated the council on some of the events and things they have been involved in during the past

year. Most recently, the Chamber has brought on a couple of interns with some excellent experience that will help the Chamber move forward.

Over 2,000 relocation guides were passed out at the Parade of Homes. Greg explained that the chamber would like to re-capture the money received from the golf tournament so that the city wouldn't need to donate the \$5,000 anymore to the Chamber. In years past the \$5,000 would be based on performance of the Chamber. Greg explained that from one of the past conversations with the council it was agreed upon that the Chamber could ask for the remaining \$2,500 from the city if they were able to show the city the value of contributing to the Chamber. He felt like the Chamber has added value and asked the council to consider contributing to the Chamber the remaining allotment. Greg felt like with the progress the Chamber has made this would be the Chamber's last time asking for the contribution.

Darin Thomas felt like we need to invest in the city and felt like the city ought to support the chamber with the money because they do add value and have added value. Darin Thomas motioned to approve funding the remaining \$2,500 to the Chamber. Ethelyn seconded the motion and the motion passed unanimously.

Lon felt like he invested in the area because he feels like it can become a destination. Lon explained that the Chamber during their meeting discussed the possibility of having a sign that could be used to welcome people to Hurricane and asked the council to keep the Chamber in mind ask they discuss signage in the community. Lon felt like there is no one location where people can go and find out what is going on here in Southern Utah. More advertising and easier access of information about events should be kept in mind.

The Chamber will be hosting on October 16, 2015 an Exotic Food Festival at the Community Center. These festivals happen across the country where people pay a small fee and they are able to go around and try 10-15 things that they don't normally eat. Lon suggested forming teams even a city team, that can become experts on cooking more exotic foods. Darin Thomas asked what Lon means by exotic food. Lon explained that what exotic is to one person may not be to another. Things that you can go to the store and cannot buy. The team would basically put on a show of how the food is prepared and cooked. It would be a one day event with a soda garden. The Chamber has a booth for Peach Days and they would like to promote the event there.

3. *Discussion regarding MH/RV zoning for Home Bed and Breakfast and direction on possible rezoning of Sage Point Subdivision to R-1-6 zoning.*

Kevin and Shellie Adams came before the planning commission requesting that their home be allowed as a bed and breakfast. Mr. Adams explained that they would like to open their home up to a bed and breakfast but based on the zoning of their home, it doesn't qualify. Their home is located at 683 N 20 W. This is RV and manufactured home zoning in Green Acres. Under the current ordinances, bed and breakfasts are a conditional use in R-1-10 and R-1-15 zones.

Darin Larson explained that even changing the zoning to R-1-6 wouldn't allow for a bed a breakfast even by conditional use. Mr. Adams asked if conditional use across the zones for bed and breakfasts could be considered. Mr. and Mrs. Adams explained that they felt like there is a need out there for

people who do not want to stay in a hotel. Darin Larson felt like it would be a good idea for the planning commission to look at Sage Point's zoning, it is zoned for RV but the area really doesn't have those types of homes. Darin Larson posed the question if it would be worth the time and effort of the planning commission to review the current zoning for these areas. Mr. Adams suggested that instead of changing the zoning that the council/commission look at where bed and breakfasts would work in the community. Mr. Adams felt like bed and breakfasts were already covered under different requirements so the zoning shouldn't be an issue. The council felt like to do it right then they need to look at a zone change. Darin Larson will direct the planning commission to review the current zoning for Sage Point and Green Acres. Mr. and Mrs. Adams were invited to attend those meetings to stay informed and give input on the discussion.

4. *Consideration and possible approval of a request to file the amended plat for The Park Subdivision with owners' signatures only – Russ Gallian*

There are 5 more signatures outstanding, 4 are planning on signing and 1 is holding out for monetary compensation. If the remaining signatures can be obtained then it should only help the situation of the subdivision by having all owners on board and allowing the plat to be recorded so things don't get worse. Russ felt like there still may be a need for litigation to get it passed through the banks though. Approximately 10 lots will be totally taken care though with the signatures because they only have problems involving the roadway. Fay felt like it would be nice to have all signatures but in this particular circumstance the risk of not going forward far outweighs the risk of going forward. Darin Thomas motioned for approve the request to file the amended plat for The Park Subdivision with the owners' signatures only. Kevin seconded the motion and the motion passed unanimously. Fay requested that Mr. Gallian come back when they have all signatures for a formalization of the approval.

5. *Discussion and possible decision regarding participation in the Days of '47 festivities-Rick Neilson President/Director*

Mr. Neilson provided a cost breakdown to the council of \$93,400 in expenses for the event. This would be a two to three day event that would take place in the evening. It would be much like a stadium of fire event but specific to Southern Utah. The Osmond family/group is asking for help is funding the celebration. Washington City has committed \$15,000 for the fireworks, St. George will be looking at approving \$15,000 and Hurricane is also being asked for \$15,000. This event would take place in 2016. 150-200 youth will be allowed to audition ages 3-19. A number of costs could come in less if some of the cities would be willing to donate in kind help to the event.

The Days of '47 has expanded at the request of the Governor to be a real state wide celebration. Last year was the inaugural event turned out well. Mr. Neilson also invited the council to consider hosting an event in conjunction with the celebration. Mr. Neilson suggested that since the rodeo grounds/fairgrounds are within Hurricane city that Hurricane could host a national junior rodeo.

Mayor Bramall explained that he has had conversations with the county and other entities talking about expanding venues to hold a larger number of people. Ultimately they would like to move this event to a weeklong celebration with a number of activities to do. Mr. Neilson also asked for

Hurricane's help with inviting citizens that are older than 80 years to share their memories of events in the past and growth they have seen.

Mr. Neilson asked for Hurricane to physically participate in the event with royalty, resources, etc. as well as a monetary contribution for the event.

The council discussed the timing for placing something in the budget for the event.

Mayor Bramall and the council were in favor of committing to the event a monetary contribution and in kind help as possible. Mr. Neilson can be reached at 435-467-8222.

*6. Discussion and possible revision of the **Net Metering Policy**-Dave Imlay*

Dave explained that they do not want to disallow people to install solar arrays; they just want to put a moratorium on the current reimbursement rate until a policy can be made and approved. Reimbursement will resume once a rate has been approved. Kevin made a motion to approve the net metering policy moratorium on reimbursements for two months while a rate can be vetted and approved at a future date. Ethelyn seconded the motion and the motion passed with all present council members voting aye.

*7. Discussion and possible approval of **Rate Design Study Method**-Dave Imlay*

The Power department margins have been slowly declining to the point Dave feels like they will be close to deficit spending. UAMPS came to its group with a proposal from Utility Financial Solutions (American Public Power Association) that if members of UAMPS would be interested in a rate design study, the cost would be cheaper for those interested and involved. They would like to look at how financially stable the fund currently is as well as a 5 year expense and revenue projection.

After looking at Hurricane city power they concluded that Hurricane power is solid and financially sound. They looked at reserves and debt coverage ratios and concluded that based on where the fund is currently at is where they would like to see it 5 years from now. Based on the study they concluded that in 5 years we will need a 5.1% increase in our rates or a 1.1% increase each year. The Power board sent back a recommendation that they would like to target a 2% increase with no more than a 4% increase for any class.

The premise of the study was looking at what each rate class should be paying by itself. Rate classes were unbundled and then each class was reviewed to see what they should be paying so that no rate class is subsidizing another class or collecting too much revenue at the expense of the current rate payers. This paradigm would be different from the current model where reserves are built up to fund future work. This only looks at a 5 year projection vs the 20 year projection as with the current models. The philosophy of this structure is that you will have to stay on top of the rates to make sure you are getting enough to cover expenditures on a more consistent basis.

Clark explained that some classes, such as agriculture, have been subsidized based on the approval and direction of the governing body. This rate change would align everyone so that they pay their fair share. This increase does not get us to where we need to be but a start to get there. Darin Larson asked why the 2% when it should be 1%. Dave explained that they wanted to get a jump on it the first year, evaluate it the second year and possibly have a neutral position the third year. Mayor Bramall asked Dave if a night time rate has been discussed as Dixie Power has a favorable night rate that is used to help even out pumping costs, etc. Dave explained that there is no extra power or resources that are going to waste right now and having a nighttime rate would have them operating at a loss during the night. They operate on base load at night based on the market, then the ramp up during the day. Dave foresees a possible extra quarter percent added on to the rate as a reserve in case the model does not accomplish what they would like.

Dave didn't want the council to approve anything tonight other than the methodology of the rate study prior to incurring additional costs. Under this methodology rate increases would be seen as coming quicker but on a much smaller basis. Darin Larson would like to see what the 2% would do to the power department in relation to the reserves. Some comparables would be helpful.

Clark explained that right now with \$5 million in the bank, this format it will take the balance down to \$2-3 million. Every 5 years your depreciation would be spent which would cause a problem if you have big projects which would force you to raise your rates or bond for projects. Utah Financial Solutions could come and present a 45 minutes presentation to the council. The council was in favor of rate study methodology.

8. Discussion and possible approval to waive the \$320 impact for a sprinkler clock for Sky Mountain HOA-Dave Imlay

Dave was okay with waiving this agenda item. The HOA has been good to work with the Power department running guy wires from their poles. Kevin motioned to waive the impact fee for the sprinkler clock seconded by Darin Larson. The motion passed unanimously.

9. Consideration and possible approval of an additional requirement for the review of the proposed South Fields subdivision as recommended by the Planning Commission-Fay Reber

Fay explained that the South Fields subdivision submitted a proposed preliminary plat along with a geo tech report to the planning commission for approval, they reviewed it as well as took testimonies from locals around that property due to the collapsible soil problems in that area. Even though one geotechnical report has been submitted the subdivision ordinance allows for the city to allow additional requirements under extenuating circumstances. Due to the soil characteristics the planning commission recommended that the city council authorize or obtain another geo tech report or second opinion. Once the second report is obtained it would go back to the planning commission for their review and then they would recommend an action to the council.

Darin Thomas asked what the first report concluded about the project. Arthur explained that the first report gave recommendations for building pads, roads and infrastructure. It recommended that roadways be over-excavate 5 feet down and 5 feet wider than the road, building excavation was

recommended 10-15 feet depending on a basement. If buildings were not over excavated then piers were recommended.

Wayne Rogers with Applied Geotechnical supervised the studies which have been ongoing for just about 10 years. The first test holes were done in 2005 which identified collapsible soil between 30-35 feet deep. Shortly after that they initiated a pre wetting program to determine what the long affects would be from water application. Wayne explained that this study was very thorough on this property due to the soil. It was determined that the pre-wetting efforts caused 18-24 inches of drop or settling. Pre-wetting is a great option but you still carry the risk of not wetting everything to get the drop.

It has been recommended that each lot or property get its own geo-technical report. The lots are larger in nature to ensure that one lot will not affect another as they are built out. Originally the project had planned for over 200 lots similar to the lots currently around the airport. Wayne confirmed Arthur's comments of over excavating the streets in addition to the recommendation of pre-wetting the streets and trenches.

Surface drainage causes problems as well and is a concern that they continue to explore. There is no drainage system in this area and one possible solution to the problem would be to install surface drains that would direct the water down past the collapsible soil. One thought would be to install these drains on each lot.

Wayne explained that this information would be noted on the plat to ensure each property owner was aware of the situation and requirement to obtain their own soil report. Wayne asked for clarification on why it is felt another geo-technical report is required when their report is as thorough of a report as they have ever compiled. Fay explained that in the past developers have come in with reports okaying the development then afterwards residents start having problems with settling. Out of the abundance of caution the planning commission recommended another report solely to ensure that the problems are recognized and the two reports say the same thing.

Wayne explained that this report is ten years' worth of work and any other report will have less information than what they have already studied and identified. It was suggested that a review or professional review be performed on the report instead of a full review of the area like what has already been produced. Wayne explained that he has lived in the area for the past 20 years and is familiar with the issue having extensive knowledge of collapsible soil. Kevin motioned to require a review of the current report by Landmark and pass the bill on to the owner with the owner's prior approval of the cost. Ethelyn seconded the motion. The motion passed unanimously.

10. Mayor, Council and Staff reports

Pam Humphries	Court, Water, Power, Hurricane Fire and Ambulance Department
Darin Larson	Planning Commission, Economic Development, Planning Department-Spent most of the day with at the Spring planning conference which was very informative. There were several zoning issues brought up that they will likely address in the future.
Kevin Tervort	Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito

	Abatement
Ethelyn Humphries	Sewer District, Fire District, Solid Waste, Building Inspector
Darin Thomas	Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification
Mayor	Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer. On item #1 if they have it sterilized then he feels like its ok. Kevin disagreed with allowing the project to move forward. #9 planning commission is asking to require a second opinion on the collapsible soil. Landmark would do it working on the city's behalf.
Staff Reports	as needed

11. Adjournment Ethelyn motioned to adjourn 9:04pm.

The 22nd of April budget retreat will be held at the Police department starting at 8:00am.